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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA 23 PM 2: 53 IN AND FOR THE COUNTY OF YUMA

LYNN FAZZ CLERK OF SUPERIOR COUR YUMA ARIZONA 85364

IN AND FOR THE COUN

COUNTY, ARIZONA AS OF

SEPTEMER 1, 2013,

In the Matter of:

REVISION OF CALENDAR
ASSIGNMENTS AND REVISION OF
CASE ASSIGNMENTS FOR THE
SUPERIOR COURT IN YUMA

Administrative Order
2013-19

This Administrative Order supersedes and takes the place of Administrative Order 2012-28, 2013-07 and 2013-17.

The Superior Court in Yuma County wants to maintain its effective caseflow management system. Case disposition statistics and best practices dictate that in order for the courts to maintain effective disposition of felonies, and to effect timely disposition of all other cases, that assignment of criminal, civil, domestic relations, juvenile, guardianship and conservatorship, probate, mental health, adoption, and other proceedings among the different Divisions/Commissioners of the Yuma County Superior Court be changed consistent with this Administrative Order.

IT IS THEREFORE ORDERED, effective September 1, 2013, and until further order of the Presiding Judge, assignments are made/or remain for the Judges and Commissioners of the Yuma County Superior Court as set forth below:

- (1) Mark Wayne Reeves shall remain assigned to Division One;
- (2) John Paul Plante shall remain assigned to Division Two;
- (3) Larry Kenworthy shall remain assigned to Division Three;
- (4) David M. Haws shall remain assigned to Division Four;

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- (5) John N. Nelson shall remain assigned to Division Five;
- (6) Maria Elena Cruz shall remain assigned to Division Six;
- (7) Kathryn Stocking-Tate shall remain assigned as Commissioner One;
- (8) Stephen J. Rouff shall be assigned as Commissioner Two; and
- (9) Lisa W. Bleich shall remain assigned as Commissioner Three.

IT IS ORDERED effective September 1, 2013, and until further order of the Presiding Judge, the CRIMINAL CASE assignments shall be as follows:

- (1) All criminal cases, with the exception of cases involving Rule 32 Post Conviction Relief issues, currently assigned to the Honorable Mark Wayne Reeves, Division One, shall be reassigned to the Honorable Stephen J. Rouff, Commissioner Two.
- (2) All criminal cases currently assigned to the Honorable Denise
 D. Gaumont, Commissioner Two (retired), shall be reassigned to the
 Honorable Stephen J. Rouff, Commissioner Two.
- (3) All criminal cases currently assigned to the Honorable A. James Clark, shall be reassigned to the Honorable Stephen J. Rouff, Commissioner Two.
- (4) All criminal cases currently assigned to the Honorable Larry Kenworthy,
 Division Three, shall continue to be assigned to the Honorable Larry
 Kenworthy, Division Three.
- (5) All criminal cases currently assigned to the Honorable David M. Haws, shall be/shall continue to be assigned to the Honorable David M. Haws, Division Four.
- (6) All criminal cases currently assigned to the Honorable John N. Nelson,

Division Five, shall continue to be assigned to Honorable John N. Nelson, Division Five.

- (7) All criminal cases currently assigned to the Honorable Maria Elena Cruz, Division Six, shall continue to be assigned to Honorable Maria Elena Cruz, Division Six.
- (8) All criminal cases currently assigned to the Honorable Lisa W. Bleich, Commissioner Three, shall continue to be assigned to the Honorable Lisa W. Bleich, Commissioner Three.

IT IS ORDERED that with cases filed beginning September 1, 2013, and until further order of the Presiding Judge, all felony criminal complaints, including Fugitive felony criminal complaints, filed in Justice Court shall be assigned on a rotation basis in Justice Court with the division rotation for assignment of Superior Court Cases being, Division Three, Division Four, Division Five, Division Six, Commissioner Two and Commissioner Three. All co-defendant cases shall continue to be assigned to the same Superior Court Division. In order to facilitate this procedure, the Yuma County Attorney's Office shall continue to file a Notice of Filing Co-Defendant Complaints when filing co-defendant cases in Justice Court.

IT IS ORDERED as to cases filed beginning September 1, 2013, that if a criminal case originates in a manner other than by way of a felony complaint being filed in Justice Court, such as by way of a Direct Indictment, Lower Court Appeal, or Juvenile Transfer, the Clerk of the Superior Court shall assign those cases as follows:

All numbered cases, the last digit of which number is "0", to
 Division Four;

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- (2) All numbered cases, the last digit of which number is "1", to Division Five;
- (3) All numbered cases, the last digit of which number is "2" or "3", to Division Three;
- (4) All numbered cases, the last digit of which number is "4" or "5", to Commissioner Two;
- (5) All numbered cases, the last digit of which number is "6" or "7", to Division Six; and
- (6) All numbered cases, the last digit of which number is "8" or "9", to Commissioner Three.

IT IS ORDERED effective as of September 1, 2013, that all criminal cases with warrants outstanding that are currently assigned to:

- (1) The Honorable Larry Kenworthy, Division Three; the Honorable David M. Haws, Division Four; the Honorable John N. Nelson, Division Five; the Honorable Maria Elena Cruz, Division Six; and the Honorable Lisa W. Bleich, Commissioner Three, shall remain as assigned.
- (2) The Honorable A. James Clark, shall be reassigned to the Honorable Stephen J. Rouff, Commissioner Two.
- (3) The Honorable Mark Wayne Reeves, Division One, shall be reassigned to the Honorable Stephen J. Rouff, Commissioner Two.
- (4) The Honorable Denise D. Gaumont, Commissioner Two (retired), shall be reassigned to the Honorable Stephen J. Rouff, Commissioner Two.

IT IS ORDERED, that all criminal cases in which a defendant was originally sentenced by a judge who is active and sitting as designated in Division One,

Division Two, Division Three, Division Four, Division Five and Division Six, or by
Commissioner One, Commissioner Two or Commissioner Three, or the case has
been assigned to one of the above by administrative or written order, shall continue
to be assigned to that judge for all petitions for post-conviction relief proceedings.

IT ORDERED beginning September 1, 2013, that all criminal cases in which a defendant was originally sentenced by a Judge other than the Honorable Larry Kenworthy, the Honorable David Haws, the Honorable John N. Nelson, the Honorable Maria Elena Cruz, the Honorable Stephen J. Rouff, and the Honorable Lisa W. Bleich, shall continue to be assigned to divisions according to the numbering system set forth above. Such assignments shall include, but are not limited to, Petitions for Violation of Probation, Petitions for Restoration of Civil Rights, and Petitions to Modify Probation.

IT IS ORDERED, effective September 1, 2013, and until further order of the Presiding Judge, the administrative duties and responsibilities of calling and impaneling grand juries by the Superior Court in Yuma County, and hearings regarding grand jury presentments shall, in addition to the Presiding Judge, shall continue to be assigned to the Honorable John Paul Plante, Division Two. The Honorable John Paul Plante, Division Two, shall continue to assume the primary assignment of all matters pertaining to a grand jury requiring the attention of a Superior Court Judge in Yuma County.

IT IS ORDERED, effective September 1, 2013, and until further order of the Presiding Judge, all Arraignments shall continue to be heard by the Honorable Maria Elena Cruz, Division Six, on Mondays commencing at 10:00 a.m., unless the date and time is rescheduled by order of the court.

IT IS ORDERED, effective September 1, 2013, and until further order of the Presiding Judge, all Motions to Review Conditions of Release shall continue to be heard before the assigned Judge/Division.

IT IS ORDERED, effective as of September 1, 2013, all defendants placed into the Yuma County Adult Probation Department's S.A.F.E. program shall continued to be assigned to the Honorable Maria Elena Cruz, Division Six.

IT IS ORDERED, effective as of September 1, 2013, all defendants placed into the MENTAL HEALTH SPECIALTY COURT shall continue to be assigned to the Honorable Lisa W. Bleich, Commissioner Three. Mental Health Court shall be heard on Mondays at 11:00 a.m.

IT IS ORDERED effective September 1, 2013, and until further order of the Presiding Judge, that all cases of the Adult Drug Court shall be assigned to Commissioner Two and Division Six. Commissioner Two Adult Drug Court shall be heard on Fridays at 3:00 p.m. The Honorable Andrew W. Gould, Superior Court Judge Pro Tem, is assigned to cover Commissioner Two Drug Court until further order of the Court. Division Six Adult Drug Court shall be heard on Mondays at 3:00 p.m.

IT IS ORDERED effective September 1, 2013, and until further order of the Presiding Judge, the regular criminal calendars (other than jury trials) shall be held as follows:

Comm. Two:

Tuesday-8:30 a.m. to Noon and

1:30 p.m. to 5:00 p.m. (PVCs/VOPs at 11:00 a.m.)

Wednesday-8:30 a.m. to Noon and

1:30 p.m. to 5:00 p.m. (PVCs/VOPs at 11:00 a.m.)

Comm. Three:

Wednesday-8:30 a.m. to Noon and

IT IS ORDERED beginning with cases filed **September 1, 2013**, and until further order of the Presiding Judge, that the Clerk of the Superior Court shall assign civil cases as follows:

- (1) All numbered cases, the last two digits of which number when divided by four (4) result in a remainder of one (1), shall be assigned to Division Five.
- (2) All numbered cases, last two digits of which number when divided by four (4) result in a remainder of two (2), shall be assigned to the Honorable John Paul Plante, Division Two.
- (3) All numbered cases, the last two digits of which number when divided by four (4) result in a remainder of three (3), shall be assigned to the Honorable Larry Kenworthy, Division Three.
- (4) All numbered cases, the last two digits of which number when divided by four (4) result in a remainder of zero (0), shall be assigned to the Honorable David M. Haws, Division Four.

IT IS ORDERED that effective September 1, 2013, and until further order of the Presiding Judge, the PROBATE/GUARDIANSHIP CASE assignments shall be assigned as follows:

- (1) All probate/guardianship cases currently assigned to the Honorable A.
 James Clark, shall be reassigned to the Honorable Stephen J. Rouff,
 Commissioner Two.
- (2) All probate/guardianship cases currently assigned to the Honorable

 John Paul Plante, Division Two, shall continue to be assigned to the

 Honorable John Paul Plante, Division Two.

- (3) All probate/guardianship cases currently assigned to the Honorable Larry Kenworthy, Division Three, shall continue to be assigned to the Honorable Larry Kenworthy, Division Three.
- (4) All probate/guardianship cases currently assigned to the Honorable

 Lisa W. Bleich, Commissioner Three, shall continue to be assigned to
 the Honorable Lisa W. Bleich, Commissioner Three.
- (5) All probate/guardianship cases currently assigned to the Honorable David M. Haws, shall be/shall continue to be assigned to the Honorable David M. Haws, Division Four.
- (6) All probate/guardianship cases which were retained by the Honorable John N. Nelson after January 1, 2013, shall continue to be assigned to the Honorable John N. Nelson, Division Five.
- (7) All probate/guardianship cases currently assigned to the Honorable Maria Elena Cruz, Division Six, shall continue to be assigned to the Honorable Maria Elena Cruz, Division Six.

IT IS ORDERED that beginning with cases filed **September 1**, 2013, and until further order of the Presiding Judge, the **PROBATE/GUARDIANSHIP CASE** assignments shall be assigned as follows:

(1) All probate/guardianship cases shall be assigned on a rotation basis to the Honorable Larry Kenworthy, Division Three and to the Honorable, David M. Haws, Division Four, with all odd numbered cases being assigned to Division Three and all even numbered cases being assigned to Division Four.

(2) Any probate/guardianship cases filed prior to September 1, 2013, that come on before the court for hearing or review after September 1, 2013, that are currently not assigned to the Honorable John Paul Plante, the Honorable Larry Kenworthy, the Honorable David M. Haws, the Honorable John N. Nelson (retained cases), the Honorable Maria Elena Cruz, Stephen J. Rouff or the Honorable Lisa W. Bleich, shall be automatically assigned on a rotation basis to the Honorable Larry Kenworthy, Division Three and the Honorable David M. Haws, Division Four, with all odd numbered cases being assigned to Division Four.

IT IS ORDERED, beginning September 1, 2013, and until further order of the Presiding Judge, the MENTAL HEALTH CASE assignments shall remain as follows:

- (1) All mental health cases filed beginning September 1, 2013, shall continue to be assigned to the Honorable John N. Nelson, Division Five, and
- (2) Any mental health cases filed prior to **September 1, 2013**, that come before the court for hearing or review after **September 1, 2013**, shall continue to be automatically reassigned to the Honorable John N. Nelson, Division Five.

IT IS ORDERED, beginning September 1, 2013, and until further order of the Presiding Judge, the SEXUALLY VIOLENT PERSON CASE assignments shall continue to be as follows:

(1) All civil cases where a petition has been filed seeking an order of the court to detain a person as a Sexually Violent Person pursuant to the

Sexually Violent Persons Act, ARS §§36-3701 through 36–3716, shall continue to be assigned to the Honorable Larry Kenworthy, Division Three; and

(2) Any civil cases where a petition has been filed prior to **September 1**, **2013**, seeking an order of the court to detain a person as a Sexually Violent Person pursuant to the Sexually Violent Persons Act, ARS §§36-3701 through 36-3716, that come before the court for hearing or review after **September 1**, **2013**, shall continue to be automatically reassigned to the Honorable Larry Kenworthy, Division Three.

IT IS ORDERED that effective September 1, 2013, and until further order of the Presiding Judge, the ADOPTION CASE assignments shall continue to be assigned as follows:

- (1) All adoption cases shall be assigned on a rotation basis to the Honorable Kathryn Stocking-Tate, Commissioner One and to the Honorable Mark Wayne Reeves, Division One, with all odd numbered cases being assigned to the Honorable Kathryn Stocking-Tate, Commissioner One and all even numbered cases being assigned to the Honorable Mark Wayne Reeves, Division One; and
- (2) Any adoption case filed prior to **September 1, 2013**, that comes on before the court for hearing or review after **September 1, 2013**, shall be automatically assigned on a rotation basis to the Honorable Kathryn Stocking-Tate, Commissioner One and the Honorable Mark Wayne Reeves, with all odd numbered cases being assigned to the Honorable Kathryn Stocking-Tate, Commissioner One, and all even numbered

cases being assigned to the Honorable Mark Wayne Reeves, Division One.

IT IS ORDERED, beginning September 1, 2013, and until further order of the Presiding Judge, the ELECTION CONTEST assignments shall continue to be as follows:

- All "election contest" cases shall be assigned to the Honorable John N.
 Nelson, Division Five; and
- (2) Division Five of the Superior Court in Yuma County shall be designated the "election division" of the Superior Court in Yuma County.

IT IS ORDERED beginning September 1, 2013, and until further order of the Presiding Judge, DOMESTIC RELATIONS CASES, except Title IV-D cases addressed below, shall be assigned as follows:

- (1) All domestic relations cases filed beginning September 1, 2013, shall continue to be assigned to the Honorable, John Paul Plante, Division Two;
- (2) All domestic relations cases filed prior to **September 1, 2013**, and currently assigned to the Honorable John Paul Plante, Division Two, shall continue to be assigned to the Honorable, John Paul Plante, Division Two.
- (3) All domestic relations cases filed prior to **September 1, 2013**, and currently assigned to the Honorable A. James Clark, shall be reassigned to the Honorable Stephen J. Rouff, Commissioner Two.
- (4) All domestic relations cases filed prior to September 1, 2013, and

- currently assigned to the Honorable Mark Wayne Reeves, Division

 One, shall be reassigned to the Honorable Stephen J. Rouff,

 Commissioner Two.
- (5) All domestic relations cases filed prior to September 1, 2013, and currently assigned to the Honorable Denise D. Gaumont, Commissioner Two (retired), shall be reassigned to the Honorable Stephen J. Rouff, Commissioner Two.
- (6) All domestic relations cases filed prior to September 1, 2013, and currently assigned to the Honorable Kathryn Stocking-Tate, Commissioner One, shall be reassigned to the Honorable Stephen J. Rouff, Commissioner Two.
- (7) All domestic relations cases filed prior to September 1, 2013, and currently assigned to the Honorable Lisa W. Bleich, Commissioner Three, shall continue to be assigned to the Honorable Lisa W. Bleich, Commissioner Three.
- (8) All domestic relations cases filed prior to **September 1, 2013**, and assigned to the Honorable David M. Haws, shall be/shall remain assigned to the Honorable David M. Haws, Division Four.
- (9) All domestic relations cases filed prior to September 1, 2013, and assigned to the Honorable Larry Kenworthy, Division Three, by written order as of January 1, 2012, or after, shall remain assigned to the Honorable Larry Kenworthy, Division Three.
- (10) All domestic relations cases filed prior to **September 1, 2013**, and reassigned to the Honorable John N. Nelson, Division Five, by written

- order as of January 1, 2012, or after, shall remain assigned to the Honorable John N. Nelson, Division Five.
- (11) All domestic relations cases filed prior to **September 1, 2013**, and assigned to the Honorable Maria Elena Cruz, Division Six, by written order as of January 1, 2012, or after, shall remain assigned to the Honorable Maria Elena Cruz, Division Six.
- (12) All domestic relations cases, except Title IV-D cases addressed below, filed prior to September 1, 2013, that comes on before the court for hearing or review after September 1, 2013, which are not assigned/reassigned to the Honorable John Paul Plante, Division Two, the Honorable Larry Kenworthy, Division Three, the Honorable David M. Haws, Division Four, the Honorable John N. Nelson, Division Five, the Honorable Maria Elena Cruz, Division Six, the Honorable Stephen J. Rouff, Commissioner Two, or the Honorable Lisa W. Bleich, Commissioner Three, shall continue to be automatically assigned to the Honorable John Paul Plante, Division Two.
- (13) All Title IV(D) child support actions initiated beginning September 1,2013, by the Arizona Attorney General's Office shall continue to be assigned to the Honorable Kathryn Stocking-Tate, Commissioner One;
- (14) Any Title IV(D) child support actions initiated prior to September 1, 2013, by the Arizona Attorney General's Office, that comes before the court for hearing or review after September 1, 2013, shall continue to be automatically assigned to the Honorable Kathryn Stocking-Tate, Commissioner One.

(15) Any Title IV(D) cases assigned as set for above, that come before the court for hearing on some issue other than child support, and are not assigned/reassigned to the Honorable John Paul Plante, Division Two, the Honorable Larry Kenworthy, Division Three, the Honorable David M. Haws, Division Four, the Honorable John N. Nelson, Division Five, the Honorable Maria Elena Cruz, Division Six, the Honorable Stephen J. Rouff, Commissioner Two, or the Honorable Lisa W. Bleich, Commissioner Three, shall continue to be automatically assigned to the Honorable John Paul Plante, Division Two for those contested issues. These hearings would include, but not be limited to, a visitation issue, a custody issue, or a change of custody issue.

IT IS ORDERED beginning September 1, 2013, and until further order of the Presiding Judge, all Title IV(D) child support actions initiated by the Arizona Attorney General's Office shall continue to be heard by the Honorable Kathryn Stocking-Tate, Commissioner One, on Thursdays commencing at 8:30 a.m.

IT IS ORDERED effective September 1, 2013, and until further order of the Presiding Judge, all domestic relations default actions shall be heard by the Honorable Stephen J. Rouff, Commissioner Two, on Monday afternoons at 1:30 p.m.

IT IS ORDERED effective September 1, 2013, and until further order of the Presiding Judge, that all cases in the Juvenile Division of the Yuma Superior Court shall continue to be assigned to the Honorable Kathryn Stocking-Tate, Commissioner One, and the Honorable Mark Wayne Reeves, Division One.

Notwithstanding the foregoing judicial assignments, during the absence or 1 unavailability of any Superior Court Judge/Commissioner, another Superior Court 2 3 Judge or Commissioner/Pro Tem may be substituted in his or her place. 4 IT IS ORDERED that Law and Motion Day shall continue to be the first 5 working day of each week, with proceedings being held on that day unless otherwise 6 set by the Judge assigned to a particular case. 7 DATED this 22 day of August, 2013. 8 9 10 Honorable John N. Nelson 11 Presiding Judge 12 13 14 15 Copies to: Hon. Mark Wayne Reeves, Division One 16 Hon. John Paul Plante, Division Two Hon. Larry Kenworthy, Three 17 Hon. David M. Haws, Division Four Hon. John N. Nelson, Division Five 18 Hon. Maria Elena Cruz, Division Six Hon. Kathryn Stocking-Tate, Commissioner One 19 Hon. Stephen J. Rouff, Commissioner Two Hon. Lisa W. Bleich, Commissioner Three 20 Hon. Andrew W. Gould, Superior Court Judge Pro Tem Hon. Gregory Stewart, First Precinct Justice Court 21 Hon. Jorge Lozano, Second Precinct Justice Court Hon. Russ Jones, Third Precinct Justice Court 22 Hon. Lynn Fazz, Clerk of the Superior Court Margaret C. Guidero, Court Administrator 23 Kathy Schaben, Trial Court Administrator 24 Cary Meister, Court IT Manager Sandra Hoppough, Chief Adult Probation Officer 25 Tim Hardy, Director of Juvenile Court Services Jon Smith, Yuma County Attorney Michael Breeze, Yuma Public Defender 26 Jose de la Vara, Yuma Legal Defender 27 Ronald F. Jones, Conflict Administrator

Sherri L. Williams, Caseflow Manager

Yuma County Bar